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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,661	12/22/2000	Raymond J. Kelley	GEMS:0120/yod 15-EC-5771	9840
7590	10/06/2004		EXAMINER	
Patrick S. Yoder Suite 330 7915 FM 1960 West Houston, TX 77070			MORGAN, ROBERT W	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/747,661	<b>Applicant(s)</b> KELLEY ET AL. 	
	<b>Examiner</b> Robert W. Morgan	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Application***

1. This communication is in response to the application filed by the applicants on December 22, 2000. As of the date of this communication, the applicants have filed no Information Disclosure Statement (IDS). Claims 1-53 are pending and have been examined.

### ***Claim Objections***

2. Claim 6 is objected to because of the following informalities: There are two occurrences of Claim 6. Appropriate correction is required.

For the purposes of examination, the second occurrence of Claim 6 will be referred to as "the second occurrence of Claim 6."

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6(second occurrence)-13, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,748,907 to Crane in view of US Patent Number 6,604,084 to Powers.

Crane is directed towards an automatic interactive dynamic real-time management system for a medical facility and business. Powers is directed towards a system and method for generating an evaluation in a performance evaluation system. The performance evaluation system can be used in a business or other organization (Col. 1, Ln. 34-35).

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As per claim 1, which is directed towards a method for analyzing productivity of a medical resource, Crane teaches electronically directing client data transmitted from a remote interface to a analysis system via a network, wherein the analysis system is configured to evaluate a plurality of medical resources associated with at least one of a plurality of modalities, the client data comprising operation data relating to a medical system employed at a medical facility and analyzing the data with an analysis system (Master Processor) (101) (Figure 1, Col. 3, Ln. 59-Col.4, Ln. 6; Col. 6, Ln. 56-Col. 7, Ln. 3; Col. 7, Ln. 50-59; Col. 8, Ln. 51-67).

Crane fails to teach that the analysis system analyzes the data for productivity and also fails to teach providing a productivity analysis report to the client via the network, the productivity analysis report allowing the client to evaluate medical resource productivity at the medical facility; however these features are well known in the art as evidenced by Powers (Col. 3, Ln. 42-Col. 4, Ln. 25) which teaches analyzing data for productivity and generating reports. At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the system of Crane and add the productivity analysis system as taught in Powers in order to obtain an improved performance evaluation system that can automatically be generated for disparate groups and different performance areas (Col. 2, Ln. 5-12).

As per claim 2, in Crane the data is directed over the Internet (Col. 5, Ln. 42).

As per claim 3, in Powers forms are provided to enter the data (Figure 4 and Col. 8, Ln. 15-25). At the time the invention was made, one of ordinary skill in the art would have been motivated to add a forms generating feature in the system of Crane to provide the user with a more interactive and customized means to enter data.

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As per claim 4, in Powers a form field is used providing for selecting the medical system (company) (Figure 4). At the time of the invention, one of ordinary skill in the art would have been motivated to provide a form field in the system of Crane for specifying the medical system (company) in order to provide the user with a means of specifying a broad range of data sets from various companies or medical entities that could be analyzed for efficiency.

As per claims 6 (second occurrence)-9, in Crane comprises data input means for entering the recited types of data (Col. 7, Ln. 50-59; Col. 12, Ln. 27-58 and Col. 14, Ln. 27-41).

As per claim 10, Crane teaches the step of receiving data from a plurality of medical systems comprising multiple medical imaging (testing) systems (Figure 1). Crane teaches the step of selecting at least one medical system (Figure 4, Col. 8, Ln. 15-25) (motivation noted in the paragraph for Claim 4 above).

As per claim 11, Crane teaches the step of receiving medical procedure statistics (test results) at least partially related to the medical system (Figure 1 and Col. 14, Ln. 56-65).

As per claim 12, in Crane the step of receiving medical procedure statistics comprises receiving a mix of medical procedures provided at the medical facility (Figure 1 and Col. 12, Ln. 45-64).

As per claim 13, in Crane the step of analyzing the client data comprises searching a medical resource database and accessing medical system statistics (Col. 17, Ln. 44-50).

As per claim 15, in Powers the productivity (efficiency) analysis is provided via a remote interface (Col. 2, Ln. 58-67 and Col. 4, Ln. 6-25). (The motivation for adding the productivity analysis feature is found in the paragraph for the rejection of Claim 1).

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As per claim 18, in Powers the productivity analysis report comprises a graphical illustration of the medical resource productivity at the medical facility (Col. 4, Ln. 26-37). At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the system of Crane and add a graphic illustration feature in order to provide the user with a visual means of understanding and comprehending the productivity analysis.

5. Claims 19-21, 24-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,748,907 to Crane in view of US Patent Number 6,604,084 to Powers.

Crane is directed towards an automatic interactive dynamic real-time management system for a medical facility and business. Powers is directed towards a system and method for generating an evaluation in a performance evaluation system. The performance evaluation system can be used in a business or other organization (Col. 1, Ln. 34-35).

As per claim 19, which is directed towards a system for analyzing productivity of a medical resource, Crane teaches a remote interface configured for exchanging information an analysis system (Master Processor-101) via a network, the remote interface having a means for transmitting client data comprising medical procedure data associated with a medical system (Figure 1, Col. 3, Ln. 59-Col.4, Ln. 6; Col. 6, Ln. 56-Col. 7, Ln. 3; Col. 7, Ln. 50-59; Col. 8, Ln. 51-67).

Crane fails to teach that the analysis system comprises a productivity analysis system and fails to teach using a form for the data input means; however these features are well-known in the art as evidenced by Powers. Powers (Col. 3, Ln. 42-Col. 4, Ln. 25) which teaches analyzing data for productivity and generating reports. At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the system of Crane and add the

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productivity analysis system as taught in Powers in order to obtain an improved performance evaluation system that can automatically be generated for disparate groups and different performance areas (Col. 2, Ln. 5-12). Also, in Powers forms are provided to enter the data (Figure 4 and Col. 8, Ln. 15-25). At the time the invention was made, one of ordinary skill in the art would have been motivated to add a forms generating feature in the system of Crane to provide the user with a more interactive and customized means to enter data.

As per claim 20, in Crane the data is directed over the Internet (Col. 5, Ln. 42).

As per claims 21 and 24-26, in Powers a form field is provided for selecting the medical system (company) (Figure 4). At the time of the invention, one of ordinary skill in the art would have been motivated to provide a form field in the system of Crane for specifying the medical system (company) in order to provide the user with a means of specifying a broad range of data sets from various companies or medical entities that could be analyzed for efficiency. Crane teaches the step of receiving data from a plurality of medical systems comprising multiple medical imaging (testing) systems (Figure 1). Crane teaches the step of selecting at least one medical system (Figure 4, Col. 8, Ln. 15-25). Crane also comprises data input means for entering the other recited types of data (Col. 7, Ln. 50-59, Col. 12, Ln. 27-58 and Col. 14, Ln. 27-41).

As per claim 28, in Powers the medical resources database has operating statistics for the medical system, the medical resource database being accessible by the productivity analysis system (Master Processor-101) (Figure 1; Col. 14, Ln. 62-65 and Col. 17, Ln. 44-50).

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6. Claims 31-34 and 36-38 are rejected under are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,748,907 to Crane in view of US Patent Number 6,604,084 to Powers.

Crane is directed towards an automatic interactive dynamic real-time management system for a medical facility and business. Powers is directed towards a system and method for generating an evaluation in a performance evaluation system. The performance evaluation system can be used in a business or other organization (Col. 1, Ln. 34-35).

As per claim 31, which is directed towards a productivity tool for analyzing productivity of a medical resource, Crane teaches a remote interface configured for exchanging information an analysis system (Master Processor-101) via a network, the remote interface having a means for transmitting client data comprising medical procedure data associated with a medical system (Figure 1, Col. 3, Ln. 59-Col.4, Ln. 6; Col. 6, Ln. 56-Col. 7, Ln. 3; Col. 7, Ln. 50-59; Col. 8, Ln. 51-67).

Crane also teaches a medical resource database accessible by the analysis system, the medical resource database having operating statistics for a plurality of medical resources (Col. 14, Ln. 63-65 and Col. 17, Ln. 44-49).

Crane fails to teach that the analysis system comprises a productivity analysis system and fails to teach using a form for the data input means; however these features are well-known in the art as evidenced by Powers. Powers (Col. 3, Ln. 42-Col. 4, Ln. 25) which teaches analyzing data for productivity and generating reports. At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the system of Crane and add the productivity analysis system as taught in Powers in order to obtain an improved performance



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evaluation system that can automatically be generated for disparate groups and different performance areas (Col. 2, Ln. 5-12). Also, in Powers a form field is used providing for selecting the medical system (company) (Figure 4). At the time of the invention, one of ordinary skill in the art would have been motivated to provide a form field in the system of Crane for specifying the medical system (company) in order to provide the user with a means of specifying a broad range of data sets from various companies or medical entities that could be analyzed for efficiency.

As per claim 32, the remote interface in Crane comprises a server to communicate between the remote interface and the productivity analysis system via the network (Col. 5, Ln. 42).

As per claims 33-34 and 36-37, in Powers a form field is provided for selecting the medical system (company) (Figure 4). At the time of the invention, one of ordinary skill in the art would have been motivated to provide a form field in the system of Crane for specifying the medical system (company) in order to provide the user with a means of specifying a broad range of data sets from various companies or medical entities that could be analyzed for efficiency. Crane teaches the step of receiving data from a plurality of medical systems comprising multiple medical imaging (testing) systems (Figure 1). Crane teaches the step of selecting at least one medical system (Figure 4, Col. 8, Ln. 15-25). Crane also comprises data input means for entering the other recited types of data (Col. 7, Ln. 50-59, Col. 12, Ln. 27-58 and Col. 14, Ln. 27-41).

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As per claim 38, in Crane the step of receiving medical procedure statistics comprises receiving a mix of medical procedures provided at the medical facility (Figure 1 and Col. 12, Ln. 45-64).

7. Claims 41-53 is rejected under are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,748,907 to Crane in view of US Patent Number 6,604,084 to Powers and in view of US Patent Number 6,314,565 to Kenner.

Crane is directed towards an automatic interactive dynamic real-time management system for a medical facility and business. Powers is directed towards a system and method for generating an evaluation in a performance evaluation system. The performance evaluation system can be used in a business or other organization (Col. 1, Ln. 34-35). Kenner is directed towards a system and method for automated identification, retrieval, and installation of multimedia software components.

As per claim 41, which is directed towards a method for analyzing productivity of a medical resource, Crane teaches the steps of electronically directing client data transmitted from a remote interface to a analysis system via a network, wherein the analysis system is configured to evaluate a plurality of medical resources associated with at least one of a plurality of modalities, the client data comprising operation data relating to a medical system employed at a medical facility and analyzing the data with an analysis system (Master Processor) (101) (Figure 1, Col. 3, Ln. 59-Col.4, Ln. 6; Col. 6, Ln. 56-Col. 7, Ln. 3; Col. 7, Ln. 50-59; Col. 8, Ln. 51-67).

Crane fails to teach that the analysis system analyzes the data for productivity and also fails to teach providing a productivity analysis report to the client via the network, the productivity analysis report allowing the client to evaluate medical resource productivity at the

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medical facility; however these features are well known in the art as evidenced by Powers (Col. 3, Ln. 42-Col. 4, Ln. 25) which teaches analyzing data for productivity and generating reports.

At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the system of Crane and add the productivity analysis system as taught in Powers in order to obtain an improved performance evaluation system that can automatically be generated for disparate groups and different performance areas (Col. 2, Ln. 5-12). Powers teaches the step of transmitting the productivity analysis report to the client via the network (Figure 1 and Col. 3, Ln. 43-Col. 4, Ln. 25). At the time the invention was made, one of ordinary skill in the art would have been motivated to add a report transmitting feature to the system of Crane in order to provide the user with a means of viewing the report.

Crane and Powers fail to teach the step of generating a productivity analysis report comprising a productivity comparison of the medical system and a proposed upgrade system for the medical facility; however, this feature (software upgrade comparison) is known in the prior art as evidenced by Kenner. Kenner teaches a procedure which allows a user to compare two or more versions of software so that the user can see the enhancements (evaluate the benefits) (enhancements are improvements in productivity) of the software (Col. 4, Ln. 54-Col. 5, Ln. 7). At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the system of Crane in view of Powers by adding the software upgrade comparison feature as taught in Kenner in order to provide the user with a means of comparing two versions of software to determine which version would achieve the optimum productivity (as recited in Kenner) (Col. 4, Ln. 54-63).

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As per claim 42, in Crane the step of electronically directing via the network comprises electronically directing via the Internet (Col. 5, Ln. 42).

As per claims 43, 45-47, in Powers a form field is providing for selecting the medical system (company) (Figure 4). At the time of the invention, one of ordinary skill in the art would have been motivated to provide a form field in the system of Crane for specifying the medical system (company) in order to provide the user with a means of specifying a broad range of data sets from various companies or medical entities that could be analyzed for efficiency. Crane comprises data input means for entering the recited types of data (Col. 7, Ln. 50-59; Col. 12, Ln. 27-58 and Col. 14, Ln. 27-41). Crane teaches the step of receiving data from a plurality of medical systems comprising multiple medical imaging (testing) systems (Figure 1). Crane teaches the step of selecting at least one medical system (Figure 4, Col. 8, Ln. 15-25). In addition, Kenner allows the user to view a comparison of multiple software upgrades (Col. 4, Ln. 54-Col. 5, Ln. 7).

Powers teaches the concept of data entry fields (as noted above), but does not teach a data entry field for selecting an upgrade system for a productivity comparison. However, as noted above, Kenner allows a user to compare various versions of software. At the time invention was made, one of ordinary skill in the art would have been motivated to modify the form in Powers to include a form field for selecting an upgrade software system in order to allow the user to control which software versions they wanted to compare in the productivity analysis. (Moreover, Powers suggests customizing the tables in order to meet the needs of an enterprise (Col. 5, Ln. 66-Col. 6, Ln. 5).

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As per claims 44 and 51, in Kenner the user can compare several upgrade systems (Col. 4, Ln. 54-58). The motivation for this modification is noted above in the rejection for Claim 41.

As per claims 48-49, in Crane the step of receiving medical procedure statistics comprises receiving a mix of medical procedures provided at the medical facility (Figure 1 and Col. 12, Ln. 45-64).

As per claim 50, in Crane the step of analyzing the client data comprises searching a medical resource database and accessing medical system statistics (Col. 17, Ln. 44-50).

As per claim 52, in Kenner the software version comparison feature allows the user to learn how their systems will be enhanced (an indicator) by the upgrades (Col. 4, Ln. 54-58). The motivation for this modification is noted above in the rejection for Claim 41.

As per claim 53, in Kenner the user has the option to purchase the proposed upgrade system (Col. 4, Ln. 65-Col. 5, Ln. 7).

8. Claims 5-6, 14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane and Powers as applied to Claims 3-4, 13 and 1, above, respectively and in further view of Kenner.

As per claims 5-6, 14 and 16, Crane and Powers fail to teach the step of generating a productivity analysis report comprising a productivity comparison (based on the selection of multiple medical systems (software versions)) of the medical system and a proposed upgrade system for the medical facility; however, this feature (software upgrade comparison) is known in the prior art as evidenced by Kenner. Kenner teaches a procedure which allows a user to compare two or more versions of software (by selecting multiple software versions (systems) for productivity comparison) so that the user can see the enhancements (evaluate the benefits)

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(enhancements are improvements in productivity) of the software (Col. 4, Ln. 54-Col. 5, Ln. 7).

At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the system of Crane in view of Powers by adding the software upgrade comparison feature as taught in Kenner in order to provide the user with a means of comparing two versions of software to determine which version would achieve the optimum productivity (as recited in Kenner) (Col. 4, Ln. 54-63).

Powers does not teach a data entry field for selecting an upgrade system for a productivity comparison. However, as noted above, Kenner allows a user to compare various versions of software. At the time invention was made, one of ordinary skill in the art would have been motivated to modify the form in Powers to include a form field for selecting an upgrade software system in order to allow the user to control which software versions they wanted to compare in the productivity analysis. (Moreover, Powers suggests customizing the tables in order to meet the needs of an enterprise (Col. 5, Ln. 66-Col. 6, Ln. 5).

As per claim 17, in Kenner the software version comparison feature allows the user to learn how their systems will be enhanced (an indicator) by the upgrades (Col. 4, Ln. 54-58). The motivation for this modification is noted above in the paragraph for the rejection for Claim 16 above).

9. Claims 22-23 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane and Powers as applied to Claims 19, 21 and 19 above, respectively, and in further view of Kenner.

As per claims 22-23 and 29, Crane and Powers fail to teach the step of generating a productivity analysis report comprising a productivity comparison of the medical system and a

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proposed upgrade system for the medical facility; however, this feature (software upgrade comparison) is known in the prior art as evidenced by Kenner. Kenner teaches a procedure which allows a user to compare two or more versions of software (by selecting multiple software versions (systems) for productivity comparison) so that the user can see the enhancements (evaluate the benefits) (enhancements are improvements in productivity) of the software (Col. 4, Ln. 54-Col. 5, Ln. 7). At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the system of Crane in view of Powers by adding the software upgrade comparison feature as taught in Kenner in order to provide the user with a means of comparing two versions of software to determine which version would achieve the optimum productivity (as recited in Kenner) (Col. 4, Ln. 54-63).

Powers does not teach a data entry field for selecting an upgrade system for a productivity comparison. However, as noted above, Kenner allows a user to compare various versions of software. At the time invention was made, one of ordinary skill in the art would have been motivated to modify the form in Powers to include a form field for selecting an upgrade software system in order to allow the user to control which software versions they wanted to compare in the productivity analysis. (Moreover, Powers suggests customizing the tables in order to meet the needs of an enterprise (Col. 5, Ln. 66-Col. 6, Ln. 5).

As per claim 30, in Kenner the software version comparison feature allows the user to learn how their systems will be enhanced (an indicator) by the upgrades (Col. 4, Ln. 54-58). The motivation for this modification is noted above in the paragraph for the rejection for Claim 16 above).

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10. Claims 35 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane and Powers as applied to Claims 33 and 39 above, respectively, and in further view of Kenner.

As per claims 35 and 39, Crane and Powers fail to teach the step of generating a productivity analysis report comprising a productivity comparison of the medical system and a proposed upgrade system for the medical facility; however, this feature (software upgrade comparison) is known in the prior art as evidenced by Kenner. Kenner teaches a procedure which allows a user to compare two or more versions of software (by selecting multiple software versions (systems) for productivity comparison) so that the user can see the enhancements (evaluate the benefits) (enhancements are improvements in productivity) of the software (Col. 4, Ln. 54-Col. 5, Ln. 7). At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the system of Crane in view of Powers by adding the software upgrade comparison feature as taught in Kenner in order to provide the user with a means of comparing two versions of software to determine which version would achieve the optimum productivity (as recited in Kenner) (Col. 4, Ln. 54-63).

Powers does not teach a data entry field for selecting an upgrade system for a productivity comparison. However, as noted above, Kenner allows a user to compare various versions of software. At the time invention was made, one of ordinary skill in the art would have been motivated to modify the form in Powers to include a form field for selecting an upgrade software system in order to allow the user to control which software versions they wanted to compare in the productivity analysis. (Moreover, Powers suggests customizing the tables in order to meet the needs of an enterprise (Col. 5, Ln. 66-Col. 6, Ln. 5).



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As per claim 40, in Kenner the software version comparison feature allows the user to learn how their systems will be enhanced (an indicator) by the upgrades (Col. 4, Ln. 54-58). The motivation for this modification is noted above in the paragraph for the rejection for Claim 16 above).

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crane in view of Powers as applied to Claim 19 above.

Crane and Powers fail to teach the step wherein the client data comprises a medical procedure mix illustrating proportionality of medical procedures provided by the medical facility; however, this feature, per se is well known in the art and the examiner takes Official Notice. At the time of the invention, one of ordinary skill in the art would have been motivated to add proportionality data to the combined system of Crane and Powers in order to provide the analysis system with a better indication of what types of equipment (or facilities) in the medical system had the highest or greatest usage (this would aide the analysis system in its productivity analysis of the components of the medical system).

Further, since the knowledge and generation of proportionality data, in general, has clearly existed in the art prior to Applicant's claimed invention and the courts have held that even if a patent does not specifically disclose a particular element, said element being within the knowledge of a skilled artisan, the patent taken in combination with that knowledge, would put the artisan in possession of the claimed invention. *In re Graves*, 36 USPQ 2d 1697 (Fed. Cir. 1995).

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***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

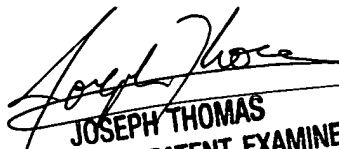
US Patent Application Publication 2002/0077849 to Baruch is directed towards a system and method for improving the efficiency of health care.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (703) 605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RWM  
rwm

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600